

## Chapter 2

# Decision-Making, Administration, and Enforcement Responsibilities

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### Article 2.1

#### GENERAL PROVISIONS

- 2.1.1. Purpose.** The purpose of this Chapter is to establish the decision-making, administration and enforcement responsibilities connected with the Unified Development Ordinance. The administration of this Title is hereby vested in the following:
- A. The Office of the Zoning Administrator
  - B. The Office of the City Engineer
  - C. The Office of the Plat Officer
  - D. The Plan Commission
  - E. The Mayor and City Council
  - F. The Zoning Board of Appeals (see also Chapter 4, Article 4.6).

### Article 2.2

#### THE OFFICE OF THE ZONING ADMINISTRATOR

- 2.2.1. Appointment.** The Zoning Administrator shall be appointed by the City Manager with the consent of the Mayor and City Council.
- 2.2.2. Duties of the Zoning Administrator.** The Zoning Administrator or designee shall administer and enforce this Title. It shall be the duty of the Zoning Administrator to:
- A. Receive and process applications for zoning certificates for structures or additions thereto for which building permits are required.
  - B. Receive and process applications for zoning certificates not accompanied by an application for a building permit.
  - C. Receive and process applications for an occupancy certificate after an on-site inspection and upon completion of a structure or when there is a change of use as herein provided to ensure conformity to the provisions of this Title.
  - D. Conduct inspections of structures or the use of land to determine whether there is compliance with this Title, and, in cases of any violation, to notify in writing the person or person responsible, specifying the nature of the violation and ordering corrective action.
  - E. Maintain in current status the Official Zoning Map.

- F. Maintain permanent and current records required by this Title, including, but not limited to, zoning certificates, occupancy certificates, useful life determinations and non-conforming use certificates, inspections, and all official action on appeals, variations and amendments.
- G. Prepare and submit an annual report to the City Manager on the administration of this Title, setting forth such statistical data and information as may be of interest or value in advancing and furthering the purposes of this Title.
- H. Prepare and have available in book, pamphlet or map form, on or before March 31st of each year:
  - 1. The compiled text of this Title, including all amendments thereto, through the preceding December 31st; and,
  - 2. An Official Zoning Map, or Maps, showing the zoning districts, divisions, and classifications in effect on the preceding December 31st.
- I. Maintain for distribution to the public a supply of copies of the Zoning Map or Maps, the compiled text of this Title, and the rules of the Hearing Officer/Zoning Board of Appeals. The corporate authorities may establish a fee to be charged any person desiring a copy of such map to defray the cost of publication of such map.
- J. Act as custodian of the records of the Zoning Board of Appeals.
- K. Furnish members of the public with such forms for appeals and applications for variations as are approved by the Zoning Board of Appeals.
- L. Receive on behalf of the Zoning Board of Appeals all such forms, when completed and executed by the appellant or applicant, or his agent or attorney.
- M. Discharge such other duties as may be placed upon the Zoning Administrator by this Title or by the City Manager.
- N. Refer any violation of this Title to the City Attorney for prosecution or other appropriate action when deemed necessary.
- O. The Zoning Administrator may delegate responsibilities to other personnel within the Building and Zoning Department, as necessary, to properly administer and enforce the provisions of this Title.

## **Article 2.3**

### **THE OFFICE OF THE CITY ENGINEER**

- 2.3.1. Appointment.** The City Engineer shall be appointed by the City Manager.
- 2.3.2. Duties of the City Engineer.** The City Engineer shall have the following responsibilities with regard to this Title:
- A. Review preliminary and final plat applications for compliance with engineering design standards for streets, sidewalks, water distribution and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under "Planned Development" procedures.
  - B. Review of final plats for land survey documentation requirements of this Title and of applicable Illinois State Statutes.
  - C. Review all permit applications for compliance with the requirements of Article 6.9, "Flood Control Regulations", of this Title.
  - D. Monitor construction of improvements to be ultimately dedicated to the City of Sycamore and determine compliance with the instrument to guarantee improvements (escrow agreement or land subdivision bond).
  - E. Conduct traffic impact analysis or review the same prepared by others as may review other studies prepared by the applicant as may be required.
  - F. Serve as custodian of the Official Map and confer with the Zoning Administrator on updates and annual publications.
  - G. The City Engineer may delegate these responsibilities to other personnel within the department, as necessary.

## Article 2.4

### THE PLAT OFFICER

- 2.4.1. Establishment.** The authority of Plat Officer is created by Ordinance 2002.21 ((July 15, 2002).
- 2.4.2. Appointment and Term of Office.** The Plat Officer shall be appointed by the City Manager. The authority of Plat Officer shall be borne by the City Engineer or other appointed officer of the City. Such role shall be subject to the authority and direction of the City Manager and such authority may be terminated by the City Manager at will.
- 2.4.3. Duties of the Plat Officer.** The Plat Officer shall have the following responsibilities with regard to this Title:
- A. Receive, review and approve plats that legally subdivide existing lots of record for the purpose of dividing duplexes and attached single-family dwellings or townhouses into separate lots that can be transferred in fee simple, without review by the Plan Commission and the City Council. All such resubdivision plats that allow common wall construction shall be accompanied by a common wall agreement with a declaration of cross easements for common maintenance and access, and such common wall agreement shall be recorded simultaneously with the resubdivision plat. Prior to the approval by the Plat Officer of any resubdivision plat to allow common wall construction, a Special Use Permit shall be granted by the City Council.
  - B. The Plat Officer shall have the authority to approve other resubdivision plats and plats of survey that are prepared by an Illinois licensed land surveyor for the sale or exchange of parcels of land between owners of adjoining land and contiguous land in a recorded subdivision not involving any new streets or easements, provided that the division of said lots conform in all respects to this Title. Every six months, the Plat Officer shall inform the Plan Commission of any resubdivisions permitted by this section.
  - C. Perform such other duties as may be assigned from time to time by the City Manager.
  - D. The fee for the review of any resubdivision plat or plat of survey by the Plat Officer shall be \$75.00.

## Article 2.5

### THE PLAN COMMISSION

- 2.5.1. Creation.** A Plan Commission is hereby authorized and established.
- 2.5.2. Appointment and Terms.** The Commission shall consist of twelve (12) members appointed by the Mayor with the consent of the City Council. Eight (8) members shall be at-large members selected from the residents of the City of Sycamore or within one-and-a-half miles thereof, and four (4) members shall be, respectively, members of, and representing, the City Council, the Board of Education of Community Unit School District No. 427, the Sycamore Park Board, and the Sycamore Public Library Board. The terms for Plan Commission members shall be two (2) years. Members representing elected bodies shall cease to be members when they cease to serve their respective taxing bodies as elected officials. Members who move outside the one-and-a-half mile planning jurisdiction of the City shall also cease to be members. The term of the City Council representative shall normally begin on May 1 of each year. In the case of members serving other taxing bodies, the boards of such governing bodies shall recommend candidates to the Mayor. The Mayor may ask for a second recommendation, but in any event shall appoint one of the two persons so nominated. All members shall serve without compensation.
- 2.5.3. Officers.** The Mayor shall appoint, with confirmation by the City Council, one of the members of the Plan Commission as chairman for a period of one (1) year. During the absence or the disability of the chairman, the Plan Commission shall select one of its members chairman pro-tempore, who shall preside as chairman during his or her absence.
- 2.5.4. Vacancies.** Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reason, the Mayor and City Council shall immediately appoint a new chairman.
- 2.5.5. Jurisdiction.** The Plan Commission of the City of Sycamore, which has been duly established, is the Plan Commission referred to in this ordinance. It shall have the following duties:
- A. To prepare and recommend to the City Council a Comprehensive Plan for the present and future development of the City of Sycamore and contiguous unincorporated territory not more than one-and-a-half miles beyond the corporate limits of the City and not included in any other municipality.
  - B. To periodically review the official Comprehensive Plan and make timely recommendations for amendments to its text and maps.
  - C. To hear and review all applications for special uses, including planned developments, and make recommendations with respect thereto to the City Council.
  - D. To initiate, direct and review, from time to time, studies of the provisions of the Unified Development Ordinance, and to make reports of its recommendations to the City Council not less frequently than once each year.
  - E. To receive and review all plats of subdivision and preliminary plans and recommend with respect thereto to the City Council.
  - F. To hear and review all zoning and planning aspects of proposed annexations as referred to it by the City Manager or designee, and make recommendations with respect thereto to the City Council.
  - G. To hear and review all applications for amendments of the text to this Title and make recommendations to the City Council.

- H. To hear and review all applications for reclassification of the zoning designation of property and make recommendations to the City Council.
- I. To recommend approval or disapproval of preliminary and final plats for subdivision to the City Council.
- K. To recommend approval or disapproval of requests for street, alley or plat vacations to the City Council.

**2.5.6. Meetings and Rules.** All regular meetings of the Plan Commission shall be on the second Monday of each month. Special meetings may be called by the Chairman or by any seven (7) members of the Plan Commission. Notice of such special meetings shall be given publicly and to each member in writing at least forty-eight (48) hours before said special meeting. All hearings conducted by said Plan Commission under this Title shall be in accordance with the Illinois Compiled Statutes. In all proceedings of the Plan Commission provided for in this Title, the Chairman, or in his absence, the chairman pro tempore, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Title shall be given under oath. The City Clerk shall keep minutes of the Plan Commission proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and Special Use, and every recommendation, order, requirement, decision or determination of the Plan Commission under this Title shall be filed in the Office of the City Clerk and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this Title or with applicable Illinois Statutes.

**2.5.7. Quorum.** Seven (7) members of the Commission shall constitute a quorum. No meeting or public hearing shall be conducted by the Commission without a quorum being present.

## Article 2.6

### THE MAYOR AND CITY COUNCIL

- 2.6.1. Authority.** Without limiting any authority granted to the Mayor and City Council by state law or by other ordinances of the City of Sycamore, the Mayor and City Council shall have the following powers and duties with respect to this Title, to be carried out in accordance with the terms of this Title:
- A. To determine whether or not to adopt amendments to the text of this Title after receiving recommendations from the Plan Commission.
  - B. To determine whether or not to adopt amendments to the Zoning District Map after receiving recommendations from the Plan Commission.
  - C. To determine whether or not to adopt amendments to the Comprehensive Plan after receiving recommendations from the Plan Commission.
  - D. To determine whether or not to approve (with or without conditions) or deny applications for site plan review after receiving recommendations from the Plan Commission or City Engineer.
  - E. To determine whether or not to approve (with or without conditions) or deny applications for special uses, as identified and established in this Title, after receiving recommendations from the Plan Commission; and
  - F. To determine whether or not to approve or deny any decision on appeal of the Zoning Administrator after receiving recommendations from the Zoning Board of Appeals.
  - G. To determine whether or not to approve or deny a variation from this Title after receiving recommendations from the Zoning Board of Appeals.

## Article 2.7

### ZONING BOARD OF APPEALS

- 2.7.1 Creation.** The Zoning Board of Appeals is hereby authorized and established.
- 2.7.2 Appointment and Terms.** The Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor with the consent of the City Council. All members shall be at-large members selected from the residents of the City of Sycamore. All members duly appointed at the time of the enactment of this Unified Development Ordinance shall continue to serve for the full term for which they were appointed. The successor of each member shall serve for a term of five (5) years. The Mayor, subject to the approval of the City Council, shall have the power to remove any member of the Zoning Board of Appeals for cause and after a public hearing.
- 2.7.3 Officers.** One of the members shall be named chairman at the time of his or her appointment. The City Clerk shall serve as the secretary to the Board. In the absence of the chairman, and where a quorum may exist, the Board may appoint an interim chairman for the purpose of conducting the Board's business.
- 2.7.4 Vacancies.** Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reason, the Mayor, subject to the approval of the City Council, shall immediately appoint either one of the remaining members of the Board or a new member to fill such vacancy as the new chairman.
- 2.7.5 Jurisdiction and Authority.** The Zoning Board of Appeals shall make recommendations regarding matters as authorized by this ordinance in a specific case and after a public hearing. A concurring vote of four (4) members of the Board shall be necessary on any matter upon which the Board is authorized to decide by this ordinance.
- 2.7.6 Meetings and Rules.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such times as the Board may determine. All testimony by witnesses at any hearing shall be given under oath. The chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. Public hearings shall be publicly advertised no less than 15 days and no more than thirty days prior to the scheduled hearing. The City Clerk shall keep minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating that fact. The City Clerk shall also keep records of the Board's examinations and other official actions. Every rule, regulation, order, requirement, decision or determination by the Board shall immediately be filed in the Office of the City Clerk and shall become a part of the public record.
- 2.7.7 Quorum.** Four (4) members present and voting shall constitute a quorum. No meeting or public hearing of the Board shall be conducted without a quorum being present.

## Article 2.8

### ENFORCEMENT

**2.8.1. Complaints Regarding Violations.** Any property owner or tenant of real property may notify the Zoning Administrator in writing, of the alleged violation. Upon receipt of such notice, the Zoning Administrator shall take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

**2.8.2. Persons Liable.** The owner, tenant, or occupant of any building or land or part thereof, any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Title may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

**2.8.3. Procedures Upon Discovery of Violations**

- A. If the Zoning Administrator finds that any provision of this Title is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Administrator's discretion.
- B. The final written notice (and the initial written notice may be the final notice) shall state what action the Zoning Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator's decision or order may be appealed to the City Manager.
- C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Ordinance.

**2.8.4. Penalties and Remedies for Violations.**

- A. Any act constituting a violation of the provisions of this Title or a failure to comply with any of its requirements, including violations of any conditions or safeguards established in connection with the grant of a variation or Special Use Permit, shall also subject the offender to a fine not less than \$25.00 nor more than \$500.00 for each offense.
- B. Each day that a violation continues after notification by the Zoning Administrator that such violation exists shall be considered a separate offense for purposes of the remedies and penalties specified in this Section.
- C. Nothing herein shall be construed to prevent the City of Sycamore from taking such other lawful action as is necessary or appropriate to prevent or remedy any violation.
- D. This Title may also be enforced by any appropriate equitable action.
- E. Any one, all, or combination of the foregoing penalties and remedies may be used to enforce this Title.